

REMARKS

At the outset, it is important to an understanding of the present invention to be aware of the term "slurry" as used in the present application and in the present claims. As indicated on page 4 of the present application, the invention provides a stable, "flowable slurry" which contains spherical alkaline metal bicarbonate particles having certain characteristics in a liquid medium. It is a stable, flowable slurry without the need of a suspending aid which provides the advantages described on pages 1-3 of the specification including the ability to form dialyzate solutions.

The term "slurry" is defined as "a thin paste produced by mixing some materials (e.g. Portland cement), with water, sufficiently fluid to flow viscously [Larousse Dictionary of Science and Technology (1995) pg. 1010 – copy enclosed]. [Webster's Third New International Dictionary (2002) pg. 2148 – copy enclosed] defines slurry as a watery mixture or suspension of insoluble matter. Thus, the term "slurry" inherently includes the combination of solid material and a liquid medium in which the resulting product is "flowable". The term "flow" means to move with a continual change of place among the constituent particles or parts [Webster's Third New International Dictionary (2002) pg. 875 – copy enclosed].

Thus, the term "flowable" requires a continual change of place. Applicants have amended the claims to emphasize what is inherent in a slurry (i.e. that the slurry is flowable). As is apparent from the discussion below, the cited reference

does not teach or suggest incorporating bicarbonate particles into a slurry. Referring to the Office Action, Applicants gratefully acknowledge withdrawal of the rejection of claim 7 under 35 U.S.C. Section 112 and the rejection of claims 3-6 and 23-25 over the previous combination of Vanzo et al. in view of Coulter et al. and Masters et al.

Claims 3-16 and 23-25 stand rejected as obvious over Winston et al. (U.S. Patent No. 4,623,536). The Office Action states that Winston et al. teaches a toothpaste composition containing at least 60% sodium bicarbonate particles having a particle size of less than 25 microns. The Office Action further states that conventional adjuvants such as humectants, thickening agents, fluoridation agents, flavors and sweeteners may be added. Water is stated to be included in amounts ranging from 0 to 25% by weight as disclosed at column 4, lines 12-17. The Office Action states that the prior art is silent with respect to surface area, bulk density and zeta potential. However, the Office Action further states that patentability cannot be imparted to the instant claims without further proof of unexpected results that arise from these parameters. The rejection is hereby traversed and reconsideration is respectfully requested.

As previously indicated, the present invention is directed in part to a slurry comprising from about 50 to about 80% by weight of substantially spherical alkaline metal bicarbonate particles dispersed in a liquid medium. Applicants submit that the preamble of the claim "flowable slurry" is important to an understanding of the claim coverage because the claim requires that the bicarbonate and the liquid medium are

in a flowable condition. As indicated in the examples, especially Example 1 (page 10, lines 1-2), the preparation of the micron-sized particles may be achieved by a wet mill process which results in a stable, flowable slurry. It is further noted on page 10 (last three lines) that the bicarbonate charge is 70% and the water charge is 30% by weight of the total charge. As indicated on page 11, beginning at line 3, the resulting slurry initially has a flowable consistency, and after 30 minutes, the resulting slurry maintains a flowable consistency.

The Winston et al. reference is directed to a toothpaste which is not a flowable slurry. The reference discloses elevated levels of sodium bicarbonate (60-75% by weight) incorporated into a toothpaste (column 3, lines 20-25). However, at no time is sodium bicarbonate first formed into a flowable slurry with a liquid medium. Attention is directed to the toothpaste composition appearing in the table at the bottom of column 5 of the reference. Ingredients of the toothpaste are sodium bicarbonate, humectant, thickener, surfactant, flavoring agent and sweetener. Beginning at the top of column 6, there is provided a method (the only method disclosed in the reference) for preparing a toothpaste. In particular, the thickener and the humectant are first mixed together. There is then provided a water solution containing the sweetener, surfactant and fluoride which is added to the thickener-humectant mixture. Thus, prior to the time that sodium bicarbonate is added to the toothpaste composition, water is provided in the form of a solution containing sweetener, surfactant and fluoride.

As indicated at column 6, lines 6-7 the sodium bicarbonate is stirred into the mixture. The sodium bicarbonate which is added is in the form of dry particles (powder). Nowhere is there any teaching or suggestion that sodium bicarbonate is combined with a liquid medium to form a slurry.

After the sodium bicarbonate is added (and the flavor oil) the composition is deaerated under vacuum to release all gases. The resulting composition is a toothpaste composition which is properly characterized as a gel or semi-solid, not a slurry. The toothpaste composition does not flow and therefore is not a slurry. Accordingly, Winston et al. does not teach or suggest the presently claimed invention.


Applicants' note that claim 24 refers to a method of using the presently claimed flowable slurry of claim 3 with other materials to form a bicarbonate containing product. One of the select group of such products is a toothpaste. However, it is clear that the toothpaste product that may be formed by the claimed method first requires a slurry of the bicarbonate (not bicarbonate powder) which is combined with other materials. Example 2 of the present application is directed to a preparation of an oral care product and specifically a toothpaste. As indicated on page 13, lines 1 and 2, an alkaline metal bicarbonate slurry is formed separate and apart from the other ingredients.

It is therefore submitted that the present application claims a slurry which is neither taught nor suggested by the prior art of record. Furthermore, the prior art does not teach the use of such a slurry to form various products including toothpaste. Instead, the prior art teaches the use of sodium bicarbonate particles in combination with other ingredients to form a toothpaste which is not a slurry.

In view of the foregoing, Applicants submit that the present application is in condition for allowance and early passage to issue is therefore deemed proper and is respectfully requested.

It is believed that no fee is due in connection with this matter. However, if any fee is due, it should be charged to Deposit Account No. 23-0510.

Respectfully submitted,



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sludging (Build) (1) Free-running mud. (2) The process of filling the crevices left in the dried clay of an embankment formed by the method of **flood flanking**.

slug (Glass) Any non-fibrous glass in a glass-fibre product.

slug (NucEng) Unit of fuel in nuclear reactor, either rod or slab of fissile material encased in a hermetic can of Al, Be, Magnox, Zr, or stainless steel. Also **cartridge**. See **fuel rod**.

slug (Phys) Unit of mass in the gravitational system of units. A force of 1 lbf (pound-force) acting on a mass of 1 slug gives it an acceleration of 1 ft s^{-2} . See **fundamental dynamical units**.

slug (Telecomm) Thick copper band, comparable with a portion of a winding on a telephone-type relay which, through induced eddy currents, retards the operation and fall-off of the relay.

slug tuning (Telecomm) Alteration of inductance in radio-frequency tuning circuits, by inserting a magnetic core or a copper disk or cylinder.

sluice (Build) A water channel equipped with means of controlling the flow, enabling a sudden rush of water to be used at harbours or canal locks for the purpose of cleaning out silt, mud etc, obstructing navigation.

sluice (MinExt) A long trough for washing goldbearing sand, clay, or gravel. Also **launder**, **sluice box**.

sluice gate (Build) A barrier plate free to slide vertically across a water channel to control the flow.

sluicing (Build) The process of deepening a navigation channel by discharging water from a reservoir through a sluice.

slump (Geol) Downslope gravity movement of unconsolidated sediments, esp in a subaqueous environment.

slumping (NucEng) The movement of molten fuel; not necessarily as the result of an accident but most dramatically seen after the Chernobyl accident in the Ukraine.

slump test (CivEng) A test for the consistency of concrete, made with a metal mould in the form of a frustum of a cone with the following internal dimensions; bottom diameter 200 mm (8 in), top diameter 100 mm (4 in), height 300 mm (12 in). This is filled with the concrete, deposited and punned in layers 100 mm (4 in) thick, and then the mould is removed and the height of the specimen measured when it has finished subsiding.

slur (Print) A printing fault in which the image lacks sharpness, caused by drag or movement of the paper, plate or forme, blanket or image carrier or combination thereof.

slurry (MinExt) A thin paste produced by mixing some materials, esp Portland cement, with water, sufficiently fluid to flow viscously. Used eg to repair (*fettle*) slag-eroded brickwork in smelting furnace etc.

slurry reactor (NucEng) One in which fuel or blanket material exists as a slurry carried by the coolant fluid.

slushed-up (Build) A term applied to brickwork the joints of which are filled with mortar.

slushing compound (Eng) A rust-inhibiting liquid composition consisting of mineral oil and anti-corrosive additives, such as barium petroleum sulphonates.

slush moulding (Plastics) Method based on (1) injecting metal into a die in the pasty stage between *liquidus* and *solidus* and (2) using certain plastics, particularly polyvinyl chloride, in *plastisol* form. This is placed in a hollow heated mould which is rotated until the paste forms the solid replica of the mould configuration. Used, eg for dolls' heads.

slush pulp (Paper) Pulp which is pumped direct from the pulp mill to the paper mill for use without passing through the pulp drying stage.

Sm (Chem) Symbol for samarium.

small bayonet cap (ElecEng) A bayonet cap of about 16 mm (0.75 in) diameter; used for small lamps, eg automobile head and side lamps.

small-bore (Build) Term applied to pump-assisted hot water central heating systems with 0.5 in or 15 mm copper or stainless steel pipes.

small capital (Print) A letter having the height of a lower-case letter in a manuscript or proof by two lines and even small caps.

small circle (Maths) A section of a sphere passing through its centre.

small Edison screw-cap (ElecEng) cap; having a screw-thread of about 1/16 in diameter and about 3.5 threads per inch.

small nuclear RNA (Biol) Discrete set of small RNA molecules found in ribonucleoprotein particles are responsible for processing **HaRNA**.

small offset (Print) term applied to lithographic machines with a sheet size of about 375 x 500 mm.

small pica (Print) An old type size, equal to 12 point.

smallpox (Med) An acute, highly infectious disease characterized by fever, severe headache and a rash which is successively macular, vesicular and pustular, affecting chief parts of the body. Until recent times a deadly killing disease of man but has now been variola.

smallpox vaccination (Immun) Method of inducing active immunity against smallpox (variola) by Jenner in Gloucestershire, UK, in 1776. Since smallpox was eliminated on a world-wide basis, it is an immensely important historically. Vaccines are prepared from vesicular lesions of *vaccines* calves or sheep (more recently from *canine* *vaccines*). This virus shares cross-reactivity with *variola* virus and therefore induces protection against smallpox. Vaccination is performed by injecting live *vaccinia* virus into a site in the dermis of the skin. Successful primary vaccination is followed by development of a vesicular lesion 6-9 days, reaching a maximum on the 7th day, which it subsides leaving a scar. Protective immunity, which depends on the ability to mount a delayed type reaction against infected cells, gradually declines and is needed at intervals of about 3 years. Immunity is present the local reaction to revaccination may be accelerated, so that it develops at the fourth to fifth day, and its height on the seventh day. Rare cases of *generalized vaccinia*, which occurred in atopic eczema (which interferes with the local delayed hypersensitivity reaction to *progressive vaccinia* particularly if cell-mediated immunity was deficient due to disease or to drug), very rarely *post-vaccinal encephalomyelitis*, mostly likely to occur after primary vaccination in infants.

smalls (MinExt) See **riddle**.

small-scale integration (Comp) A technology for integrating logic gates. Abbrev **SSI**.

small-signal parameters (Electronics) parameters.

smallwares (Textiles) General name for narrow ribbons and other narrow fabrics woven on narrow looms or braiding machines.

smaltite (Min) Cobalt arsenide, crystalline mineral and usually associated with *arsenide*.

smaragdite (Min) A fibrous green mineral, which is amorphous after pyroxene in such rocks.

smart (Aero) Originally applied to guided bombs for attacking point targets, now a device showing 'artificial intelligence'.

smart card (Telecomm) A card similar to a *credit card* containing a microcontroller, memory and communications interface. Contacts on the card transfer data when it is inserted into a reader.

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flunsa *vb* -ED/-ING/-S [perh. of *Scot* *flunsa* to hurry, *Sw* dial. *flunsa* to suddenly and use. clumsily and jerkily] *emotional turmoil flunsaed away* with a conscious awareness of self and surroundings

fleur *f* (laʊ)(r)ẽ, -ri) *adj* 1: of or resembling flower
floury powdery texture (as clay) 2: covered with flower

flowage line *n*: a contour line at the edge of a body (as a storage reservoir or lake) that corresponds to a particular water level

flowage texture *n*: FLUIDAL TEXTURE

flow bean *n*: FLOW NIPPLE

flow birefringence *n*: an anisotropic state of a liquid

fracture
of water
to some

resulting

ular esp.

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slumberland \ˈslʌmbəˈlənd/ *n* an unreal country that is a realm of sleep

slum-ber-ous or slum-brous \ˈslʌmb(ə)rəs/ *adj* [ME *slumbrous*, fr. *slumber* *slumber* + *-ous*] 1 *a*: inclined to sleep; heavy with sleep: SLEEPY, SOMNOLENT (~ eyes) (diffing ~ her little boy—Peggy Bennett) (her heavy ~ voice—Meridel Le Sueur) 2 *b*: CALM, PEACEFUL (*a* ~ town) (*a* ~ Sunday in June—Alice Walsh) 3: inviting or inducing slumber: a soporific (~ light) (the ~ light is rich and warm—Alfred Tennyson) 3: *c*: masked by, accompanied by, or suggestive of sleep or a condition like sleep: LETHARGIC (*a* ~ peace pervaded every province—Pearl Buck) (*a* ~ administration)—ness *n* -ES

slumber party *n*: an overnight gathering of teen-age girls usually at one of their homes at which they dress in nightclothes but pass the night more in talking than sleeping

slum-bery \ˈslʌmb(ə)rɪ/ *adj* [ME *slumbry*, fr. *slumber* *slumber* + *-y*] 1: LUMBEROUS

slum-dom \ˈslʌmdəm/ *n* -s [ˈslʌm + *-dom*] 1: a district of slums (wandering through ~) 2: the quality or state of being a slum (*a* once fashionable district declining slowly into ~—Osbert Lancaster)

slum-gul-lion \ˈslʌmˈɡʊljən/ *n* [ˈslʌm + *gullion*] 1 *a*: an insipid drink (as weak tea or coffee) 2 *b*: a meat stew 2: a mixed blood, oil, and salt water that collect on the decks of a ship while the valuable parts of a whale are being handled 3: *a*: usu. red muddy deposit in mining slices

slum-gum \ˈslʌmˈɡʊm/ *n* [ˈslʌm + *gum*] 1: the residue consisting mainly of propolis, cocoons, bits of wax, and honey that remains after removal of the readily extractable honey and wax from honeycombs

slum-land \ˈslʌmlənd/ *n* [ˈslʌm + *land*] 1: an area of slums: SLUM-DOOM (the town is the vast ~)

slum-mage \ˈslʌmɪdʒ/ *n* -s [ˈslʌm + *-age*] *Brit*: impurities that settle out in fermenting vessels and casks

slummed past of SLUM

slumming pres part of SLUM

slum-mock \ˈslʌmɒk/ *var* of SLOMMACK

slum-my \ˈslʌmə-, -mi/ *adj* -ER/-EST [ˈslʌm + *-y*]: of, relating to, or full of slums (the ~ outskirts of the city)

slump \ˈslʌmp/ *vb* -ED/-ING/-S [prob. of Scand origin; akin to *slump* *slump* to fall, fall upon] *D* *slump* to stumble, fall over, chance upon; akin to *LG slump* marsh, slime, *L lab* to slip, fall, ~ more at SLEEP] *vi* 1 *a*: to fall or sink suddenly (~ only [*i* cracked and he ~ed through]) 2: to fall or sink suddenly in a heap: slide down ~ed through] *b*: to drop suddenly with hardly a murmur ~ COLLAPSE (he ~ed to the floor) 3: to drop or collapse suddenly (~ed heading—Phoenix Flawless) (slipped on the same awkwardly drooping porch or carriage (~ed onto the ground at the waist—Constance Walsh) 3: to fall off: DEPRESS, SAG (begins to make a place for himself and then ~s—Edmund Fuller) (sales ~ badly in certain territories—E.H. Shanks) 4 *a*: to slip or settle down (rock ~ed under) *b*: to settle slightly or above a rock that is undergoing will ~ when the term is removed) spread out (concrete or mortar ~s when the form is removed) ~ *vt*: to cause a slump

slump \ˈslʌmp/ *n* -s [ˈslʌmp, marsh, slime] *dial Brit*: a marshy boggy place

slump \ˈslʌmp/ *n* -s [LG; akin to *Fris slomp* lump, slump, *D* slump] *chiefly Scot*: a sizable group or quantity: LUMP, LUMP

slump \ˈslʌmp/ *vi* -ED/-ING/-S *chiefly Scot*: to classify or consider together: LUMP (~ing the ... candidates together—Scots)

slump \ˈslʌmp/ *n* -s [ˈslʌmp] 1 *a*: a marked decline or falling off in prices, activity, vigor: a drop, SAG (*a* ~ in theater attendance) (fear *a* ~ of the party vote) (a period of moral ~—H. Adams) (the normal seasonal ~ in tuna deliveries—Wall Street Jour.) *b*: a sustained decline in economic activity or in prices: DEPRESSION (*a* worldwide ~) (*a* ~ in the business cycle—Will Irwin) (lost all his money in the ~—Dorothy) *c*: a period of poor or losing play in the ~—Dorothy) *d*: a competitor in a sport: a losing streak (one spring I was ~ing—Ted Williams) (came out of its scoring ~—Ice Hockey Guide) 2: the number of inches and a mass of concrete settles after the removal of a concrete-shaped metal form into which the fresh concrete has been placed in three layers ~ see SLUMP TEST 3: *a*: fall or sliding: *a* dessert made by dropping biscuit dough on cook-up (apple ~) (blueberry ~) ~ compare GRUNT 3

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slump \ˈslʌmp/ *n* -s [ˈslʌmp] 1: a marked decline or falling off in prices, activity, vigor: a drop, SAG (*a* ~ in theater attendance) (fear *a* ~ of the party vote) (a period of moral ~—H. Adams) (the normal seasonal ~ in tuna deliveries—Wall Street Jour.) *b*: a sustained decline in economic activity or in prices: DEPRESSION (*a* worldwide ~) (*a* ~ in the business cycle—Will Irwin) (lost all his money in the ~—Dorothy) *c*: a period of poor or losing play in the ~—Dorothy) *d*: a competitor in a sport: a losing streak (one spring I was ~ing—Ted Williams) (came out of its scoring ~—Ice Hockey Guide) 2: the number of inches and a mass of concrete settles after the removal of

[illegible]

SYN CUNNING, CRAFTY, TRICK WILY, ARTFUL: sly suggests d of candor or underhandness; mines faith in our allies and (sly fellows) to be watched — apply to an overreaching circle of low intelligence and (these always slipping out at night these naturals — Dorothy Says likes) — Chervant can always like! — Charles Kingsley) c at deceptive boldness and strat (the Nazi insanity turned this crafty plotter, collector of ill nocturnal convoys, distributor Lehrman) as truculent, legal subterfuge as the (Josephson) TRICKY may indicate this glitter of chivalry late the Green) (he avoided the mean honorable foe — W.C.Ford) F shrewdness (the concealing of firm and the abolishment of mously or under the pseud secretiveness — Edgar Johnson) fully masked underhandedness of respect for law and goodness (republicanism made its apperitful and wily describe what is cunning or astute strategist of the guileful heart and the Morris) (mistaking the light for the treacherous reefs, there to bility shoresmen — Amer. Guide Ser calculating crafty deception tacticians (if you can keep her fr, she's that artful slip get it u know it — Samuel Butle under artful urging, began to blit — Amer. Guide Series: Ca SPITTOUSLY, SECRETLY (read it their names — A.C.Spectorsky) (g

WILY \wī'liəd; sled; slaying; SLIP, SLIDING usu. used with on, rent, double — Everybody's sloppy boots \~\~ n pl but sing in co crafty person; esp : one who is cunning, diverting way to SCAMP, VED him — W.S.Gilbert) (an adoring naughty but always forgiving)

GOOSE n : SHELDRAKE
also sly-adv [ME sily, fr. s. a] : SHREWDLY (pointed his finger — C.B.Shaw) b : with bered her insolent condolence — Charles Kingsley) c CURTIVELY (glanced —) (~ in l T.Moore) (~ injected com

NESS n -ES [ME sleghness, sliness, -ness] : the quality or state of CRAFTINESS (a very weak position praised more ~ took full advantage led him to escape — Jane Austen)

dial Eng var of SLIPE
fr. MFlem slip to slip, slip out — more at SLIP a narrow passage, transept and chapter house or small

magistrate n -S [NL scientia magister] b senior magistrate 2 sergeant 6 silver medalist 6 side hand; mano sinistra 8 stand major magistrate 11

samaritan n
smól, smál Scot var of SMALL

'smak' n -S [ME fr. OFrms taste, MD smak, smac, MFr taste, Lith smaguriuti to nibble taste or flavor : SAVOR; also tincture (an orange with a bitter) 2 obs : LIKING, DELIGHT 3 trifling portion ; little serving : a smattering of knowledge

TASTE
n -ED/-ING/-S [ME smacken] of smaken, OF smaccan : MD smaken, OE smacken, n., taste — more at SMACK 1 v or scent — vi 1 : to have a taste sin) 2 : to have a trace, vestige a share, hint, or reminder — d of the sea) (the plan ~ of ra "v -ED/-ING/-S [akin to ME ap, throw] vt 1 a : to close arapid succession esp. in eating ("any satiation (food or drink) v satisfaction 2 a : to kiss vi smack (be) b : to kiss or caress in such a manner as to produce with the palm of the open hve, place, or bring into contact paper) (~ing her hands together smack : do something with a s "s [akin to MD smac slap sharp noise made by rapidly ceas (as in gusto or kissing) : 2 : a smack 3 : a sharp slap with the pounding blow (with another flat surface) adv (hit the ball a powe) squarely and sharply : FLUNG (ect or as evident as a smack :

'smak' n -S [D smak or LG smack; pr strike, slap; fr. the slapping of sloop or cutter) used chiefly in c a large fishing vessel strictly lo JIGGER b also smack boat : a having a well in which fish are

'smack-dab' adv [**'smack + dab]** did smack-dab in the middle of (fr. past part. of **'smack'**) chiefly [hulls]

'smack(r)' n -S [**'smack + -r]** 1 DOLLAR
2 \smaks/rü n -S [alter. of

'smack' [fr. pres. part. of **'smack'**] breeze) 2 : outstanding balance — **'smack-ing-ly'** adv 3 -S (fr. gerund of **'smack'**)